

CHAPTER 2. COMMUNITY PROGRAMS

Subchapter 2: Senior Housing Complex

2.02.010. Goals. These policies and procedures are intended to enhance the quality of life for senior residents and give a limited preference to Colma residents for residency at the Colma Senior Housing Complex.

2.02.020. Rental Policy. It is the policy of the Town of Colma to rent, lease, or permit occupancy of an apartment at the Senior Housing Complex only to Eligible Persons, as defined herein, at the rent specified herein.

2.02.030. Eligible Persons.

(a) Only persons who meet all of the following criteria are eligible to occupy an apartment at the Colma Senior Housing Complex, 1180 El Camino Real, Colma, California:

(i) He or she must be 62 years or older at the commencement of the tenancy;

(ii) He or she must be able to care for himself or herself, without assistance from others, must not have a recurring need for supportive care and must not require the availability of continuous skilled nursing care; and

(iii) He or she must be financially able to pay the rent or must have established eligibility for financial assistance from the county.

(b) Not more than two persons may occupy an apartment.

(c) No person shall be discriminated against because of race, religion, color, creed, national origin, sex, sexual orientation, marital status, or any sensory, mental or physical disabilities unless such disability requires the recurring need for supportive care and requires

the availability of continuous skilled nursing care.

(d) The City Manager may waive the age requirement, or the priority for residents set forth below, for a tenant who is employed by the Property Manager to provide substantial maintenance and management services for the Complex.

2.02.040. Disqualified Persons.

(a) The following individuals, by virtue of their position or relationship, are ineligible to become a tenant in the Senior Housing Complex:

(i) All employees and officials of the TOWN who, by virtue of their position, have policy-making authority or influence over the implementation of the housing program;

(ii) All former employees and officials of the Town who, by virtue of their position or relationship, for one year prior to the date of application for tenancy, had policy-making authority or influence over the implementation of the housing program;

(iii) The spouse or dependents of any employee or official described in the two preceding paragraphs.

(b) A person who was not disqualified under the foregoing at the time he or she first became a tenant in the Senior Housing Complex shall not thereafter become disqualified as a tenant solely by virtue of the subsequent relationship or position of such person, his or her spouse, or his or her dependent, as a Town employee or official.

2.02.050. Application and Priority Process.

(a) Whenever the Property Manager receives notice that an apartment is about to become vacant, the Property Manager, shall first notify any existing tenant who has requested such notification of the availability of the apartment. An existing tenant shall have first priority to take occupancy of the apartment provided that he or she enters into a lease agreement for the apartment within ten days after receipt of the notice. The apartment then left vacant by the tenant shall be let in accordance with this section.

(b) The Property Manager, after consulting with the City Manager, shall establish a beginning date for accepting applications to rent the apartment, which shall be after the first publications of notices described in the next paragraph. The Application Period shall last from the beginning date to the date when a lease for the apartment is executed.

(c) The Property Manager shall publish a notice of availability at least once in the *LiveWire* publication and at least once in two newspapers widely circulated in the cities of Colma, South San Francisco, and Daly City, including at least one newspaper that reaches non-English-speaking communities. Examples of appropriate newspapers include the San Mateo Times and the San Mateo Independent News. Town shall submit proof of publication to the City Planner. The Property Manager shall maintain a list of applicants in order of the date that the applicant submitted a complete application during the Application Period. A complete application means an application from an eligible person which contains all information requested by the Property Manager in the application form. An application from an ineligible person shall not be deemed complete until the date that the person becomes eligible under the terms of this resolution. Applications received before the beginning of an Application Period shall be considered to have been received as of the first day of the Application Period.

(d) Subject to the provisions of subparagraph (a) above, during the first sixty days after an apartment has become vacant, the first eligible person with more than two years

residency in the Town of Colma who submits a complete application shall be given priority over all other applicants, except that if two or more such eligible persons submitted a complete application on the same day, priority among those persons shall be determined by lot.

(e) Sixty days after an apartment has become vacant, any eligible person may rent the apartment, without regard to his or her prior residency, and the first eligible person, without regard to the place of his or her prior residency, who submits a complete application shall be given priority over all other applicants, except that:

(i) all applications by persons in this category submitted prior to the sixtieth day after shall be deemed to have been submitted on the sixty-first day after the vacancy occurs; and

(ii) If two or more such eligible persons submit a complete application on the same day, priority among those persons shall be determined by lot.

(f) The Property Manager shall not be required to maintain a list of applicants after the advertised apartment is rented.

2.02.060. Policies for Establishing Rents.

(a) The rent for tenants who occupied an apartment as of the date of this resolution shall be as follows:

(i) From the date of this resolution to June 30, 2005, the rent shall be \$700 per month;

(ii) Beginning on July 1, 2005, the rent shall be \$710 per month;

(iii) Beginning on July 1, 2006 and continuing each year thereafter, the rent shall be adjusted for inflation.

(b) The rent for tenants who first occupied an apartment after the date of this resolution shall be as follows:

- (i) The rent shall be \$800 per month until June 30, 2005;
- (ii) Beginning on July 1, 2005, the rent shall be \$810 per month;
- (iii) Beginning on July 1, 2006 and continuing each year thereafter, the rent shall be adjusted for inflation.

(c) "Adjusted for Inflation" means an adjustment made according to the following formula, where "Consumer Price Index" or "CPI" means the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index entitled "Consumers Price Index of All Urban Consumers, San Jose-Oakland-San Francisco Area, Housing (Rent of Primary Residence), 1982-84=100 [Series ID CUURA422SEHA]": if the CPI for June of any year following 2004 exceeds the index for June 2004 (the Base Index), the amount subject to adjustment for inflation (Base Amount) shall be multiplied by the last previous CPI Index and divided by the Base CPI Index to obtain the Adjusted Amount, which shall be rounded to the nearest dollar; otherwise, there shall be no adjustment." Notwithstanding the foregoing, the adjustment shall not exceed five percent (5%).

2.02.070. Restrictions on Use.

Residential Use Only. An apartment in the Senior Housing Complex shall be used for residential purposes only except that it may be used for a home office provided that the home office use is incidental to use of the apartment as a residence and that the tenant shall have first obtained a Use Permit from the Town.

No Subleasing. A tenant occupying a Senior Housing apartment may not sublet or rent the apartment or assign the lease.

No Violations. No person may use or permit the Affordable Unit or any portion of the Affordable Unit to be used or occupied in any manner or for any purpose that is in any way in violation of any valid law, ordinance, or regulation of any federal, state, county, or local governmental authority, body, or entity, or in violation of any Covenants, Conditions and Restrictions applicable to the unit. No person may maintain, commit, or permit

the maintenance or commission of any nuisance as now or hereafter defined by any statutory or decisional law applicable to the Affordable Unit or any part of the Affordable Unit."

2.02.080 Rules and Regulations. The City Manager may establish reasonable rules and regulations governing the use and occupancy of the premises including but not limited to rules and regulations governing the form of the application and supporting documentation, parking, use of the common areas, pets, overnight visitors, noise, and trash disposal.

2.02.090. Right to Inspect. Town may inspect any apartment at the Senior housing Complex, subject to tenant's privacy rights and upon reasonable advance notice, to determine compliance with this resolution.

SECTION 2. ONE-TIME EXCEPTION.

- (a) The City Council finds that:
 - (i) Since on or before December 8, 2004, there have been two vacant apartments at the Senior Housing Complex;
 - (ii) Prior to December 8, 2004, the Property Manager was maintaining a list of prospective applicants for the Senior Housing Complex pending clarification of the Town's policies;
 - (iii) On December 8, 2004, the City Council declared a moratorium on renting any vacant units in the Senior Housing Complex pending its review of the Town's rental policies;
 - (iv) Since December 8, 2004, other persons have expressed interest in renting an apartment at the Complex; and
 - (v) It is necessary and proper to adopt a one-time exception to the policies set forth hereinabove to handle the applications on hand for the two vacant apartments.

(b) Notwithstanding the foregoing, there shall be a one-time exception to the policies set forth hereinabove, as set forth in an Order in the Minutes of the meeting of February 9, 2005.